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ABSTRACT

This brief report summarizes a longer document with the same title in the ASHE-ERIC Higher Education Report series. Academic freedom provides the foundation for faculty scholarship and teaching, making it possible for educators to exchange ideas and concepts freely in the classroom, to explore and disseminate new knowledge, and to speak out both as professionals and private citizens. It is important, therefore, that faculty members and administrators fully understand the issues and contexts that surround academic freedom in American higher education. This report briefly addresses the following issues: (1) what the popular notions are concerning academic freedom, (2) whether academic freedom is a legal right; (3) whether faculty at private institutions have the same rights as faculty in public schools; and (4) the current issues that affect academic freedom. While the basic notion of academic freedom stems from the 1940 "Statement of Principles on Academic Freedom and Tenure" of the American Association of University Professors and the Association of American Colleges in which the elements are specified, the U.S. Supreme Court has never granted academic freedom full constitutional status. Additionally, while faculty members at public educational institutions may enjoy some constitutional protection, faculty at private schools must rely mainly on contractual safeguards. Current issues significantly affecting academic freedom include artistic expression, political correctness, limitations initiated by church related colleges and universities, and subpoenaed research information. To adequately address these issues requires organizationally endorsed policies that clearly identify freedoms that are available and the role of faculty.(GLR)

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Academic freedom provides the foundation for faculty scholarship and teaching. The ability to exchange ideas and concepts freely in the classroom, to explore and disseminate new knowledge, and to speak professionally and as a private citizen are essential elements for the intellectual vitality of a college or university. It is important, therefore, that faculty members and higher education administrators understand the meaning, content, legal parameters, and contemporary issues that pertain to and affect academic freedom in American higher education.

This report synthesizes academic freedom literature and applicable case law to provide a succinct look at the current issues and contexts surrounding academic freedom. In doing so, the following major questions are posed and addressed.

What Are Popular Notions of Academic Freedom?

Conceptions of academic freedom existed in America from the first establishment of American colleges in the 17th century. However, it was not until the American Association of University Professors (AAUP) and the Association of American Colleges (AAC) jointly developed the 1940 Statement of Principles on Academic Freedom and Tenure that a popular notion of academic freedom existed in the United States. The 1940 Statement specified those elements which together comprised academic freedom for college and university faculty--namely, the freedom to teach, research, and publish, and to speak extramurally.

The large number of professional organizations and societies which later endorsed the 1940 Statement elevated it to a position of prominence in the academic community. By virtue of the volume of endorsements and the statement's subsequent recognition by the courts as being the standard professional definition of academic freedom, the 1940 Statement achieved status as the popular notion of academic freedom in America.

Is Academic Freedom a Legal Right?

While numerous parallels exist between the freedoms specified in the 1940 Statement and the First and 14th amendments of the Constitution, the U.S. Supreme Court has never granted academic freedom full constitutional status. As citizens, public college and university faculty members enjoy the same rights and privileges as other citizens, and their institutions are obligated to respect those rights. However, faculty members are obligated by professional standards to conduct themselves in ways that reflect respect for students, administrators, and other members of their academic communities. While faculty members can exercise the same constitutional freedoms as other citizens, they are responsible also for the maintenance of the professional standards and expectations of their disciplines and institutions.

Do Faculty at Private Institutions Have the Same Rights as Faculty at Public Institutions?

While faculty members at public colleges and universities enjoy constitutional protection, faculty at private institutions must rely mainly upon contractual safeguards which may or may not include equivalent protections. The content of faculty contracts in private colleges and universities forms, in short, the limitations and freedoms available for intellectual inquiry. It is important, therefore, that faculty contracts in independent institutions address the four primary components of the AAUP 1940 Statement on Academic Freedom.

What Current Issues Affect Academic Freedom?

As described in this report, current issues that significantly affect academic freedom include artistic expression, political correctness, limitations initiated by church-related colleges and universities, and subpoenaed research information. While the AAUP provides some policy guidance on current challenging academic freedom issues, it does not provide specific policy guidance on political correctness, as the AAUP does not perceive the issue of political correctness to be a threat to faculty academic freedom.

In the absence of an organizationally endorsed policy statement, it is important for the institutions themselves to consider carefully the potential effect of the issue and, where appropriate, to develop an internal policy statement in the interest of preserving academic freedom. Moreover, the AAUP's 1970 Interpretive Comment on church-related colleges implies that the AAUP knows definitively if church-related colleges and universities need a departure from academic freedom as de-

fined by the association; the comment does not reflect consideration of the possibility that different constructions of "truth" and "ways of knowing" exist in academe.

A review of the literature contained in this report suggests that:

- Faculty should be involved actively in the development of institutional policies on issues that affect academic freedom.
- Colleges and universities should develop clear artistic and educational guidelines regarding the selection of artistic works that are displayed on campus. Artistic expression that conveys political or social thought is given a higher level of constitutional protection than "art for art's sake." Institutions can designate an alternate site for the display of sexually explicit, but not obscene, material.
- In addressing "political correctness," college and university faculty manuals and student publications should state that diversity of opinion, ethnic backgrounds, and individual human experiences are valued elements of academic freedom. Moreover, institutions should state clearly in faculty and student documents that while the freedom to express ideas and beliefs will be respected, conduct and behavior that result in the defacement of property, physical intimidation of others, or the disruption of campus activities will be subject to penalty.

What Conclusions and Implications Can be Derived from Contemporary Academic Freedom Issues and Contexts?

At the core of the academic freedom issues and contexts described in this report is the importance of clear and precise faculty policy statements which address what freedoms are available and what role faculty should play when potentially competing issues arise. Specifically:

- Public and independent colleges and universities should include in faculty handbooks an official policy statement on academic freedom that specifies what freedoms are available to faculty members.
- If an institution endorses the AAUP 1940 Statement of Principles on Academic Freedom and Tenure, the statement should be printed in full in the faculty handbook and referenced in the teaching contract. Moreover, the institution should indicate whether it endorses also the AAUP 1970 Interpretive Comments.
- Any restrictions on academic freedom should be stated clearly and completely in the faculty handbook and referenced in the teaching contract.
- Church-related colleges and universities should make a special effort to specify for faculty members limitations on academic freedom, including restrictions resulting from doctrinal tenets.

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